



Attorney Docket No. 22486/19 (7058)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Mary Jo A. Toomey, et al.

Application No.: 10/810, 231 Group Art Unit: 3762

FILED: March 25, 2004 Examiner: Unknown

Confirmation No: 9460

FOR: BODY FLUID COLLECTION APPARATUS

\*\*\*\*\*  
CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450 on:

By: Michelle A. Aiello

Michelle A. Aiello

October 25, 2004

Date

\*\*\*\*\*  
**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a. X **Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

**\* Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. X **Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).**

b. \_\_\_\_\_ **A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:**

c. \_\_\_\_\_ **The following additional information is provided for the Examiner's consideration:**

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## FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. \_\_\_\_\_ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. \_\_\_\_\_ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e)below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. \_\_\_\_\_ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b.  See the certification below. No fee is required.

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VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. \_\_\_\_\_ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. \_\_\_\_\_ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. \_\_\_\_\_ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

\_\_\_\_\_  
Please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X No fee is required.

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VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM  
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

a. \_\_\_\_\_ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

b. X Enclosed herewith is form PTO-1449.

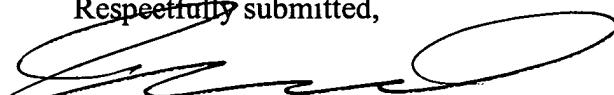
c. X Copies of cited references are enclosed.

d. \_\_\_\_\_ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 500369.

Date: 10-20-2004

*Respectfully submitted,*



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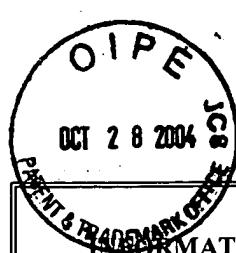
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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>				ATTY DOCKET NO.	SERIAL NO.		
				22486/19	10/810,231		
				APPLICANT(S): Mary Jo A. Toomey et al.			
				FILING DATE: March 25, 2004	ART UNIT: 3762		
<b>UNITED STATES PATENT DOCUMENTS</b>							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		5,342,328	8/30/1994	Grossman et al.	604	317	
		5,837,139	11/17/1998	Lerch	210	474	
		5,915,384	6/29/99	Grossman et al.	128	760	
		6,102,871	8/15/2000	Coe	600	575	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
Examiner:	Date:						